

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

IN RE:	§	
	§	
JAMES DAVID STRADER,	§	CASE NO. 04-54701-KING
	§	
Debtor	§	CHAPTER 7

**MOTION FOR AN EXTENSION OF TIME IN WHICH TO FILE
A COMPLAINT OBJECTING TO THE DISCHARGE OF THE DEBTOR**

TO THE HONORABLE RONALD B. KING, UNITED STATES BANKRUPTCY JUDGE:

COMES NOW John Patrick Lowe, the Trustee in this case, and makes and files this Motion, and in support thereof respectfully represents to the Court as follows:

I.

Movant is the Trustee in this Chapter 7 case. The case was filed on August 12, 2004 as a Chapter 11 proceeding and was converted on September 28, 2005, to a Chapter 7 proceeding. This Motion is filed pursuant to the provisions of §704 of the Bankruptcy Code and Federal Rule of Bankruptcy Procedure 4004.

II.

The first date set for the first meeting of creditors after conversion to a Chapter 7 was November 1, 2005. The deadline for objections to the discharge of the Debtor is January 1, 2006.

III.

The Trustee moves for a sixty (60) day extension of such deadline. Cause exists for the requested extension. On October 3, 2005, the Trustee requested certain records of the Debtor, including certain banking records and copies of his last 3 Federal income tax returns and all schedules and attachments. To date, part of the banking records and none of the copies of tax returns have been provided to the Trustee. The first meeting of

creditors began and has been adjourned to January 10, 2006, a date after the current deadline for objections to discharge. Conversion Schedules were not filed until November 18, 2005, about a month later.

IV.

The Debtor should not receive a discharge in bankruptcy before providing all of the banking records and copies of the tax returns to the Trustee and before the conclusion of the meeting of creditors.

V.

The Trustee moves for the reasons stated in this Motion for a sixty (60) day extension of the deadline for objections to the discharge of the Debtor through March 2, 2006.

WHEREFORE, premises considered, the Trustee requests the Court to enter an Order granting the Trustee an extension as requested above, and for such other and further relief, at law or in equity, as to which he may be justly entitled.

DATED: December 28, 2005.

Respectfully submitted,

/s/John Patrick Lowe
John Patrick Lowe, Trustee
State Bar No. 12623700
318 East Nopal
Uvalde, Texas 78801
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(830) 278-6347 (fax)
Email: johnplowe@sbcglobal.net

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing Motion for An Extension of Time in Which to File A Complaint Objecting to the Discharge of the Debtor, has been served to all parties listed below, by first class mail, postage prepaid, on this the 28th day of December, 2005:

Debtor:

James David Strader
834 Lookout
Lake Hills, Texas 78063

Attorney for Debtor:

Phillip A. Yochem, Jr.
Olympia Business Center
9330 Corporate Drive, Ste. 106
Selma, Texas 78154

United States Trustee:

Richard W. Simmons
U.S. Trustee
P.O. Box 1539
San Antonio, Texas 78295-1539

/s/John Patrick Lowe
Patrick Lowe